

Process" (On main label) "Tosetti process—Real German Beer—Brewed and bottled at the Brewery shown below by Ernst Tosetti Brewing Co. (Picture of Brewery) Chicago, U. S. A.—this beer should be kept in a cool dark place with bottles in horizontal position. Notice to public; this beer is brewed from the finest Bohemian hops and choicest Western Malts. The hops are imported from the famous town of Saaz. (Known the world over as the biggest hop center, where the climatic conditions together with the soil, produce the very finest vines, therefore, the dealers selling this beer, either in bottles or on draught give the greatest value for the money. It costs the dealer more than any American beer on account of the material used, its absolute purity and great age. Guaranteed by the Ernst Tosetti Brewing Co. under the food and drugs act June 30, 1906. Serial number 3618)."

Misbranding of the product was alleged in the libel for the reason that the bottles containing it bore certain representations and statements regarding it and the ingredients and substances contained therein which were false and misleading, and among said false and misleading statements was the following, to wit, "This beer is brewed from the finest Bohemian hops and choicest Western Malts. The hops are imported from the famous town of Saaz," appearing on the label was calculated to convey the impression and deceive the public into believing, and caused and led buyers and consumers thereof to believe that the product was manufactured and made only from the finest Bohemian hops and choicest western malts, whereas, in truth and in fact, the beer was not made and manufactured from Bohemian hops imported from the famous town of Saaz or from any town in Bohemia, and in the manufacture of said product a cereal or cereal product and not a malted product had been used and substituted for malted barley. Misbranding was alleged for the reason that the statement "Real German Beer" appearing on the label was calculated by the use of said expression to convey the impression and deceive the public into the belief and caused and led buyers and consumers thereof to believe that the product was a malted beer, made and manufactured from malt, whereas, in truth and in fact, some cereal product or sugar had been substituted for malt and malted barley.

On June 12, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal, or, if not sold, should be destroyed. (When this case was reported for action no claim was made by this department that "the beer was not made and manufactured from Bohemian hops imported from the famous town of Saaz or from any town in Bohemia.")

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3087. Misbranding of coffee. U. S. v. 6 Canisters of Coffee and Chicory. Decree of condemnation by consent. Product released on bond. (F. & D. No. 5190. S. No. 1794.)

On May 6, 1913, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said District a libel for the seizure and condemnation of 6 canisters, each purporting to contain 60 pounds of coffee and chicory, remaining unsold in the original unbroken packages, and in possession of the Lewis Transfer Co., Memphis, Tenn., alleging that the product had been shipped on or about April 25, 1913, by Jaburg Bros., New York, N. Y., and transported from the State of New York into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act. The product was labeled "60 Lbs. net. C. C. Blend—Jaburg Bros., Coffees, New York." "Jaburg—Perfection—Coffee. Jaburg Bros., New York. Jaburg Bros. Specialist in hotel and lunch room coffees, 1 & 3 Worth St., 10 & 12 Leonard St., New York. Notice.—Please be careful with cans and crates and return in lots of six—Coffee and chicory."

Misbranding of the product was alleged in the libel for the reason that the manner of declaring the true nature thereof on shipping containers was false and misleading, as the strip labels bearing the statement "Coffee and chicory" must be destroyed in order to open said containers, which leaves the remaining labels on the canisters indicating only that the contents thereof was coffee, and for the further reason that the principal label on the canisters did not bear a statement that the contents thereof was in part chicory.

On May 23, 1913, the said Jaburg Bros., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimants upon payment of all costs of the proceedings, amounting to \$20.45, and the execution of bond in the sum of \$250, in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3088. Adulteration and misbranding of vanilla extract. U. S. v. 2 Kegs of Vanilla Extract. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5192. S. No. 1796.)

On May 1, 1913, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 keg, containing 10 gallons, and 1 keg, containing 5 gallons, of a product purporting to be prime vanilla extract, remaining unsold in the original unbroken packages and in possession of Thomas Magremas, Gary, Ind., alleging that the product had been transported from the State of Illinois into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The kegs were labeled and branded: "Prime Vanilla Extract made from the extractive matter of prime vanilla beans and sweetened with cane sugar Aged in wood. Made by the Hudson Mfg. Co. Chicago, U. S. A."

Adulteration of the product was alleged in the libel for the reason that a dilute vanilla extract, fortified with artificial vanillin, had been mixed and packed with said product and substituted for said product so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the statements on the marks, brands, and labels on the kegs as to the ingredients and substances contained in the product and packed in said kegs, purporting to be prime vanilla extract, were false and misleading, in that, in truth and in fact, the product was not a prime vanilla extract but a dilute vanilla extract, fortified with vanillin, which had been mixed with and packed with and substituted for prime vanilla extract, and the statements contained on the marks, brands, and labels aforesaid were calculated to deceive and mislead the purchaser thereof.

On September 26, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal after removal and obliteration of all marks and brands apparent thereon, and the substitution therefor of the following label: "Dilute Extract of Vanilla."

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3089. Misbranding of vinegar. U. S. v. 13 Barrels of Vinegar. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5194. S. No. 1773.)

On May 3, 1913, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 13 barrels of vinegar remaining unsold in the original unbroken packages and in possession of Ragon Bros.,